



## Notice of Permanent Adoption

### Colorado Department of State Rules Concerning Bingo & Raffle Games 8 CCR 1505-2 February 8, 2023

#### I. Adopted Rule Amendments

As authorized by Colorado bingo and raffles law<sup>1</sup> and the State Administrative Procedure Act<sup>2</sup>, the Colorado Department of State gives notice that the following amendments to rules concerning bingo and raffle games<sup>3</sup> are adopted on a permanent basis.

The rules were considered at the January 17, 2023, rulemaking hearing in accordance with the State Administrative Procedure Act<sup>4</sup>.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
<del>Strikethrough</del>	Deletions
<i>[Italic blue font text]</i>	Annotations and publication notes
Shading	Amendments made after 1/17/23 rulemaking hearing

*Amendments to 8 CCR 1505-2 follow:*

*New Rule 1.1 concerning the definition of "bingo":*

- 1.1 "BINGO" MEANS THE TWO TYPES OF BINGO AUTHORIZED IN SECTION 24-21-602(1), C.R.S., UNLESS EITHER SPECIFICALLY INDICATED OR THE CONTEXT REQUIRES OTHERWISE IN THESE RULES.

*New Rule 1.2 concerning the definition of "bingo strip card":*

- 1.2 "BINGO STRIP CARD" MEANS A STRIP OF UP TO FIVE CONNECTED PAPER BINGO CARDS WITH EACH CARD CONTAINING A CONCEALED GRID OF PREPRINTED NUMBERS RANGING FROM ONE TO SEVENTY-FIVE AS SPECIFIED IN SECTION 24-21-602(5.5), C.R.S. SYMBOLS CANNOT BE USED IN THE GRID. EACH GRID MAY CONTAIN NO MORE THAN ONE FREE SPACE.

*Current Rules 1.1 through 1.10 are renumbered to Rules 1.3 through 1.12.*

<sup>1</sup> Article XVIII, Section 2 of the Colorado Constitution and Part 6, Article 21, Title 24 of the Colorado Revised Statutes.

<sup>2</sup> Section 24-4-103, C.R.S. (2022).

<sup>3</sup> 8 CCR 1505-2.

<sup>4</sup> Section 24-4-103(3)(a), C.R.S. (2022).

*Current Rule 1.11 is renumbered and amended to clarify the meaning of “pack”:*

4.141.13 “Pack” means a collation of disposable paper bingo cards, INCLUDING BINGO STRIP CARDS, or sheets.

*Current Rules 1.12 and 1.13 are renumbered to Rules 1.14 and 1.15.*

*Current Rule 1.14 is renumbered and amended to clarify the definition of “progressive jackpot bingo game”:*

4.141.16 “Progressive Jackpot (“Progressive”) Bingo Game” means a bingo game OF THE SPECIFIC TYPE AUTHORIZED BY SECTION 24-21-602(1)(B), C.R.S., in which a prize amount is carried over to the subsequent game in the progression if no bingo is achieved within a specified number of balls drawn and called. PROGRESSIVE BINGO GAMES CANNOT BE PLAYED WITH BINGO STRIP CARDS.

*Current Rules 1.15 through 1.19 are renumbered to Rules 1.17 to 1.21.*

*New Rule 2.5.2(a) concerning licensees not preselling or reserving bingo strip cards. Current Rules 2.5.2(a)-(c) are renumbered.*

2.5.2 A licensee may not presell or authorize reserving a:

- (A) “BINGO STRIP CARD,” AS DEFINED IN RULE 1.2;
- ~~(a)~~(B) “Card,” as defined in section 24-21-602(7), C.R.S.;
- ~~(b)~~(C) “Pull tab,” as used in section 24-21-602(36), C.R.S.; or
- ~~(e)~~(D) Specific seat.

*Current Rule 3.1.10 is amended concerning the playing of the two types of bingo during an occasion:*

3.1.10 Number of games allowed. No licensee may hold, operate, or conduct more than 220 bingo occasions in any calendar year.

- (A) A LICENSEE MAY PLAY ONE TYPE OR BOTH TYPES OF BINGO AUTHORIZED BY SECTION 24-21-602(1), C.R.S., DURING A SINGLE OCCASION.
- (B) A LICENSEE MUST NOT PLAY BOTH TYPES OF BINGO AT THE SAME TIME DURING AN OCCASION. A LICENSEE MUST COMPLETE PLAYING ONE TYPE OF BINGO BEFORE STARTING TO PLAY ANOTHER TYPE OF BINGO DURING AN OCCASION.
- (C) EACH INDIVIDUAL OCCASION COUNTS TOWARDS THE TOTAL 220 LIMIT, REGARDLESS OF WHETHER THE LICENSEE PLAYS A SINGLE TYPE OF BINGO OR BOTH TYPES DURING AN OCCASION.

*Current Rule 3.2.13 concerning progressive bingo is repealed and replaced:*

~~3.2.13 Loss of license before award of jackpot. If a licensee’s license expires, is not renewed, is suspended, revoked, or surrendered, or if the licensee permanently terminates its bingo operations or terminates its operations at a particular location before a progressive jackpot is awarded, the licensee must determine a winner and award the jackpot prize and secondary jackpot, if any, on the licensee’s last authorized bingo occasion at the location where the progression was started, regardless of the number of balls called. CONDITIONS AFFECTING THE AWARD OF THE FINAL PROGRESSIVE BINGO JACKPOT PRIZE.~~

- (A) IF THE LICENSEE PLANS, EXPECTS, OR OTHERWISE FORESEES THE OCCURRENCE OF AN EVENT LISTED IN (1), (2), OR (3) BELOW, THE LICENSEE MUST ENSURE THAT IT CAN STILL DETERMINE A WINNER AND AWARD THE JACKPOT PRIZE AND SECONDARY JACKPOT PRIZE, IF ANY, BEFORE THE OCCURRENCE OF THE EVENT ON THE LICENSEE'S LAST AUTHORIZED BINGO OCCASION AT THE LOCATION WHERE THE PROGRESSION WAS STARTED, REGARDLESS OF THE NUMBER OF BALLS CALLED:
  - (1) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS;
  - (2) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS AT A PARTICULAR LOCATION; OR
  - (3) LOSS OF LICENSE THROUGH EXPIRATION, NONRENEWAL, SUSPENSION, REVOCATION, OR SURRENDERING.
- (B) IF AN EVENT IN RULE 3.2.13(A)(1)–(3) OCCURS WITHOUT THE LICENSEE'S FOREKNOWLEDGE BEFORE THE DATE OF THE LAST AUTHORIZED BINGO OCCASION, THE LICENSEE MUST CONTACT THE SECRETARY OF STATE FOR APPROVAL OF A MEANS OF DETERMINING A WINNER AND AWARDED ANY JACKPOT PRIZE.

*Current Rule 4.1.4 concerning sales of bingo sheets and cards is amended to clarify that bingo strip cards are included:*

- 4.1.4 Sales of individual sheets and cards. At all bingo occasions where individual disposable cards, INCLUDING BINGO STRIP CARDS, or sheets are sold, the following procedures apply:

*[No changes to subsections (a)-(d).]*

*New Rule 4.1.4(e) prohibiting dispensing of any bingo card, which includes bingo strip cards from a device:*

- (E) A LICENSEE CANNOT USE A DEVICE TO DISPENSE INDIVIDUAL CARDS, SHEETS, OR PACKS TO PLAYERS. DEVICE INCLUDES ANY TYPE OF MECHANICAL, NONELECTRONIC, ELECTRONIC, OR ELECTROMECHANICAL MACHINE OR APPARATUS.

*Current Rule 5.1.5(a)(2) is amended to strike the reference to a pull tab's color code:*

- 5.1.5 Defective pull tabs. A licensee may not permit the display, sale, or operation of a defective pull tab.
  - (a) The following are types of defective pull tabs:
    - (1) A pull tab that is marked, defaced, tampered with, or otherwise placed in a condition that may deceive the public.
    - (2) A series or deal of pull tabs that consists of more than one serial number, ~~color code,~~ or ticket name.

*[No changes to subsections (a)(3)-(d).]*

*Current Rule 5.1.7 is amended to strike the reference to a pull tab's color code:*

- 5.1.7 Identical form and serial numbers. A licensee may not knowingly obtain or allow, a deal of pull tabs, or portion thereof, with the same serial number, AND form number, ~~and color code~~

combination as another deal of pull tabs, or portion thereof, in the possession or on the premises of the licensee.

*Current Rule 5.4.7 concerning progressive pull tabs is repealed and replaced:*

5.4.7 ~~Loss of license before award of jackpot.~~ CONDITIONS AFFECTING THE AWARD OF THE FINAL PROGRESSIVE PULL TAB JACKPOT PRIZE.

~~(a) If a licensee's license expires, is not renewed, is suspended, revoked or surrendered, or if the licensee permanently terminates its bingo operations or terminates its operations at a particular location before a progressive pull tab jackpot is awarded, the licensee must determine a winner and award the jackpot prize on the licensee's last authorized bingo occasion at the location where the progression was started.~~

~~(b) If there is no winner of the jackpot prize on the last authorized occasion, the licensee must conduct a public drawing for the prize by issuing one free ticket to each eligible member of the public who is present at the end of the occasion, without regard to whether the individual was a participant during the occasion. The jackpot winner is the individual whose ticket is drawn at random.~~

(A) IF THE LICENSEE PLANS, EXPECTS, OR OTHERWISE FORESEES THE OCCURRENCE OF AN EVENT LISTED IN (1), (2), OR (3) BELOW, THE LICENSEE MUST ENSURE THAT IT CAN STILL DETERMINE A WINNER AND AWARD THE JACKPOT PRIZE BEFORE THE OCCURRENCE OF THE EVENT ON THE LICENSEE'S LAST AUTHORIZED BINGO OCCASION AT THE LOCATION WHERE THE PROGRESSION WAS STARTED:

(1) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS;

(2) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS AT A PARTICULAR LOCATION; OR

(3) LOSS OF LICENSE THROUGH EXPIRATION, NONRENEWAL, SUSPENSION, REVOCATION, OR SURRENDERING.

(B) IF AT THE FINAL AUTHORIZED BINGO OCCASION REFERENCED IN RULE 5.4.7(A), THERE IS NO WINNER OF THE JACKPOT PRIZE ON THE LAST DEAL PLAYED, THE LICENSEE MUST CONTINUE TO DRAW TICKETS UNTIL A WINNER IS DETERMINED.

(C) IF AN EVENT IN RULE 5.4.7(A)(1)–(3) OCCURS WITHOUT LICENSEE'S FOREKNOWLEDGE BEFORE THE DATE OF THE LAST AUTHORIZED BINGO OCCASION, THE LICENSEE MUST CONTACT THE SECRETARY OF STATE FOR APPROVAL OF A MEANS OF DETERMINING A WINNER AND AWARDED ANY JACKPOT PRIZE.

*New Rule 6.1.2 concerning a licensee's use of a bingo aid device:*

6.1.2 COMPATIBLE DEVICE. A LICENSEE MUST USE A BINGO AID DEVICE THAT IS COMPATIBLE WITH THE TYPE OF BINGO BEING PLAYED.

*Current Rules 6.1.2 and 6.1.3 are renumbered to Rules 6.1.3 and 6.1.4.*

*Current Rule 6.4.2 is amended concerning the number of faces that can be programmed for an electronic aid bingo device:*

6.4.2 Maximum number of faces. A licensee may not program an electronic bingo aid device to play more than 54100 faces per bingo game.

*Current Rule 8.4.1(b)(1)(i) is amended to clarify the requirements for prepackaged playing cards used in progressive raffles:*

- (b) Playing card progressive raffles
  - (1) A licensee may conduct a playing card progressive raffle game by selecting a Jackpot Prize Card from either:
    - (i) A specifically designed prepackaged game purchased from a licensed supplier WHICH CONTAINS IMAGES OF A STANDARD DECK OF 52 CARDS OR A STANDARD DECK OF 52 CARDS PLUS TWO JOKER CARDS (FOR A TOTAL OF 54 PLAYING CARD IMAGES); or

*Current Rule 8.4.7 concerning progressive raffles is repealed and replaced:*

- 8.4.7 ~~If a licensee's license expires, is not renewed, is suspended, revoked, or surrendered, or if the licensee permanently terminates its operations or terminates its operations at a particular location before awarding a progressive raffle jackpot, the licensee must determine a winner and award the jackpot prize on the last posted drawing date at the location where the progression was started.~~ CONDITIONS AFFECTING THE AWARD OF THE FINAL PROGRESSIVE RAFFLE JACKPOT PRIZE.
- (A) IF THE LICENSEE PLANS, EXPECTS, OR OTHERWISE FORESEES THE OCCURRENCE OF AN EVENT LISTED IN (1), (2), OR (3) BELOW, THE LICENSEE MUST ENSURE THAT IT CAN STILL DETERMINE A WINNER AND AWARD THE PROGRESSIVE RAFFLE JACKPOT PRIZE BEFORE THE OCCURRENCE OF THE EVENT ON THE LAST POSTED DRAWING DATE AT THE LOCATION WHERE THE PROGRESSION WAS STARTED:
    - (1) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS;
    - (2) PERMANENT TERMINATION OF LICENSEE'S OPERATIONS AT A PARTICULAR LOCATION; OR
    - (3) LOSS OF LICENSE THROUGH EXPIRATION, NONRENEWAL, SUSPENSION, REVOCATION, OR SURRENDERING.
  - (B) IF AN EVENT IN RULE 8.4.7(A)(1)–(3) OCCURS WITHOUT THE LICENSEE'S FOREKNOWLEDGE BEFORE THE DATE OF THE LAST POSTED DRAWING DATE, THE LICENSEE MUST CONTACT THE SECRETARY OF STATE FOR APPROVAL OF A MEANS OF DETERMINING A WINNER AND AWARDING ANY JACKPOT PRIZE(S).

*Current Rule 9.1.1 is amended to clarify the maximum occasion prize for bingo strip card, in response to stakeholder feedback:*

- 9.1 Occasion prizes
  - 9.1.1 Maximum occasion prizes. The total value of prizes offered during a bingo occasion may not exceed \$2,000 UNLESS THE BINGO OCCASION INCLUDES BINGO STRIP CARD, IN WHICH CASE THE TOTAL VALUE OF PRIZES OFFERED DURING A BINGO OCCASION MAY NOT EXCEED \$4,000.

*Current Rule 9.1.2 is amended to clarify the maximum game prize for bingo strip card:*

- 9.1.2 Maximum game prize. Licensees may award any amount as a prize for any single game of bingo so long as the total value of prizes offered at the bingo occasion does not exceed \$2,000. PER SECTION 24-21-602(5.5), C.R.S., LICENSEES MAY AWARD UP TO ~~\$1,000~~ \$2,000

FOR ANY SINGLE GAME OF BINGO STRIP CARD BINGO, AS SO LONG AS THE TOTAL VALUE OF PRIZES OFFERED AT THE BINGO OCCASION DOES NOT EXCEED ~~\$2,000~~ \$4,000.

*Current Rule 10.1.2(a) concerning gross receipts for sold cards is amended:*

10.1.2 Each licensee must record the following receipts:

- (a) Gross receipts collected for all cards, INCLUDING BINGO STRIP CARDS, packs and sheets sold for each occasion.

*[No changes to subsections (b) and (c).]*

*Current Rule 13.1.4 is amended to fix a grammatical error:*

13.1.4 Software Manufacturers. Companies that produce bingo, pull tab, or raffle software must hold a manufacturer's license and comply with all statutes and rules pertaining to bingo-raffle manufacturers in Colorado.

## **II. Basis, Purpose, and Specific Statutory Authority**

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

## **III. Effective Date of Adopted Rules**

The rules will become permanently effective twenty days after publication in the Colorado Register.<sup>5</sup>

Dated this 8<sup>th</sup> day of February 2023,

  
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Christopher P. Beall  
Deputy Secretary of State

For

Jena Griswold  
Colorado Secretary of State

<sup>5</sup> Section 24-4-103(5), C.R.S. (2022).



## Statement of Basis, Purpose, and Specific Statutory Authority

### Colorado Department of State Rules Concerning Bingo and Raffle Games 8 CCR 1505-2

February 8, 2023

#### I. Basis and Purpose

This statement explains amendments to the Colorado Department of State Bingo and Raffle Games Rules [8 CCR 1505-2]. The Department adopted amendments to ensure uniform and proper administration, implementation, and enforcement of Colorado bingo and raffles law,<sup>1</sup> answer questions arising under these laws, and improve the administration of bingo and raffle games in Colorado.

Specific proposed changes include:

- New Rule 1.1 defines “bingo” to refer to both traditional bingo and the new bingo strip card game, unless otherwise indicated in Rule.
- New Rule 1.2 defines “bingo strip card” and clarifies that the strip with multiple faces cannot have symbols in the grid, and while a grid can contain a free space, it cannot contain more than one free space.
- Amendments to Current Rule 1.11, renumbered to Rule 1.13, clarify the definition of “pack” and that disposable bingo cards include bingo strip cards.
- Amendments to Current Rule 1.14, renumbered to Rule 1.16, clarify the definition of “progressive jackpot bingo game”. Progressive jackpot bingo can only be played traditional bingo with individual bingo cards and cannot be played with bingo strip cards.
- Amendments to Rule 2.5.2 ensure that licensees cannot presell or reserve bingo strip cards. Players must have equal and fair access to cards and seats at a bingo hall.
- Amendments to Rule 3.1.10 clarify that a licensee can play both types of bingo during the same occasion, but the two games cannot be played simultaneously. If a licensee plays

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<sup>1</sup> Article XVIII, Section 2 of the Colorado Constitution and Part 6, Article 21, Title 24 of the Colorado Revised Statutes.

bingo strip card in an occasion (either by itself or alternating with “traditional” bingo), that counts toward the total cap of 220 occasions per calendar year.

- Current Rule 3.2.13 is repealed and replaced with New Rule 3.2.13 for clarity. The New Rule establishes more comprehensive requirements to address licensee’s obligations when certain events happen. If the licensee cannot foresee the event, the licensee must contact the Secretary of State’s Office for assistance.
- Amendments to Rule 4.1.4 concern the sale of bingo sheets and cards, clarifying that disposable cards include bingo strip cards.
- New Rule 4.1.4(e) prohibits a licensee from dispensing bingo cards, sheets, and packs from a device to players.
- Amendments to Rule 5.1.5 remove references to pull tab color codes to conform with section 24-21-602(13), C.R.S.
- Amendments to Rule 5.1.7 remove references to pull tab color code to conform with section 24-21-602(13), C.R.S.
- Current Rule 5.4.7 is repealed and replaced with New Rule 5.4.7 for clarity. The New Rule establishes more comprehensive requirements to address licensee’s obligations when certain events happen. If the licensee cannot foresee the event, the licensee must contact the Secretary of State’s Office for assistance.
- New Rule 6.1.2 requires that the bingo aid device must be compatible with the type of bingo being played.
- Amendments to Rule 6.4.2 increase the number of faces that can be programmed for an electronic aid bingo device from 54 to 100 to conform with section 24-21-618(7), C.R.S.
- Amendments to Rule 8.4.1(b)(1)(i) clarify the requirements for prepackaged playing cards used in progressive playing card raffles.
- Current Rule 8.4.7 is repealed and replaced with New Rule 8.4.7 for clarity. The New Rule establishes more comprehensive requirements to address licensee’s obligations when certain events happen. If the licensee cannot foresee the event, the licensee must contact the Secretary of State’s Office for assistance.
- Amendments to Rule 9.1 clarify the maximum prize in a bingo occasion that includes bingo strip card may not exceed \$4,000 and the maximum game prize for bingo strip card may not exceed \$2,000 so long as the total value of prizes offered at the bingo occasion does not exceed \$4,000.
- Amendments to Rule 10.1.2(a) concern gross receipts for sold cards, clarifying that disposable bingo cards include bingo strip cards.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

Written comments received during the formal rulemaking are available online at: [https://www.coloradosos.gov/pubs/rule\\_making/hearings/2023/BingoRaffleRulesHearing20230117.html](https://www.coloradosos.gov/pubs/rule_making/hearings/2023/BingoRaffleRulesHearing20230117.html). All comments are incorporated into the official rulemaking record.

## **II. Rulemaking Authority**

The statutory authority is as follows:

- House Bill 22-1093; enacted June 3, 2022.
- Section 24-21-605(1)(b), C.R.S., (2022), which authorizes the Secretary of State to “supervise the administration and enforcement of [the Bingo and Raffles Law] and, in consultation with the board, to adopt, amend, and repeal rules governing the holding, operating, and conducting of games of chance...[.]”
- Section 24-21-617(5), C.R.S., (2022), which requires the Secretary of State to establish by rule the method of play for games of chance.
- Section 24-21-620(2)(f)(I), C.R.S., (2022), which authorizes the Secretary of State to establish by rule the permitted methods of conducting a progressive raffle.